

Assembly Joint Resolution No. 41

RESOLUTION CHAPTER 116

Assembly Joint Resolution No. 41—Relative to immigrant children.

[Filed with Secretary of State August 24, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 41, Nation. Immigrant children.

This measure would urge the Congress and the President of the United States to protect unlawful immigrant children by amending the federal immigration law to permit unlawful immigrant children to have an immigration specialist assigned to them prior to their emancipation.

This measure would also urge the Congress and the President of the United States to amend the federal Immigration and Nationality Act to allow a child who is adopted while he or she is a dependent of a juvenile court located in the United States to become a United States citizen without being fully admitted for permanent residence.

WHEREAS, In the past few years, the number of unaccompanied children taken into custody by immigration officials has increased by nearly 30 percent, and is expected to reach an alltime high this year; and

WHEREAS, Congress has the power to regulate immigration and naturalization (Art. I, Sec. 8, U.S. Const.); and

WHEREAS, Federal authority over immigration matters is very broad; and

WHEREAS, Federal immigration law specifically provides that a juvenile who is also an unlawful immigrant may be accorded the status of special immigrant if (a) he or she has been declared a dependent in a juvenile court, or is a person whom the court has legally committed to, or placed under the custody of, an agency or department of a state and he or she has been deemed eligible by that court for long-term care due to abuse, neglect, or abandonment, (b) he or she is a person for whom it has been determined in administrative or judicial proceedings that it would not be in his or her best interests to be returned to the juvenile's or his or her parent's previous country of nationality or country of last habitual residence, and (c) he or she is a person in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status (8 U.S.C. Sec. 1101 (a)(27)(J)); and

WHEREAS, If the child is not assigned an immigration specialist to obtain Special Immigrant Juvenile Status prior to emancipation, his or her ability of gaining legal status becomes practically null; and

WHEREAS, Unless the Child Welfare and Juvenile Court Systems ensure that eligible undocumented children obtain lawful Special Immigrant Juveniles Status prior to their emancipation, these children are destined for lives of instability and fear as outsiders in the only country many have ever known; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California urges the President and the Congress of the United States to protect these children; and be it further

Resolved, That the Legislature of the State of California urges the Congress of the United States to amend the federal immigration law to permit these children to have an immigration specialist assigned to them prior to their emancipation; and be it further

Resolved, That the Legislature of the State of California urges the Congress of the United States to amend Section 320 of the Immigration and Nationality Act to state that if a child has been adopted while a dependent of a juvenile court located in the United States, he or she need not be fully admitted for permanent residence, as required by subsection (a)(3) in order to become a United States citizen pursuant to this section; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the United States Secretary for Homeland Security, and to each Senator and Representative from California in the Congress of the United States.